

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MARSHALL G. HILES,

Plaintiff

v.

C-1-12-673

ARMY REVIEW BOARD AGENCY, et al.,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 61), plaintiff's objections (doc. no. 63), defendants' response (doc. no. 64) and plaintiff's reply (doc. no. 65). The Magistrate Judge recommended that plaintiff's Motion to Amend the Complaint and for Summary Judgment on the Amended Complaint should be denied. *See Coe v. Bell*, 161 F.3d 320, 341-42 (6th Cir. 1998) (factors relevant to the Court's decision regarding leave to amend include "[u]ndue delay in filing, lack of notice to the opposing party, bad faith by the moving

party, repeated failure to cure deficiencies by previous amendments, undue prejudice to the opposing party, and futility of amendment") (quoting *Brooks v. Celeste*, 39 F.3d 125, 130 (6th Cir. 1994)).

Plaintiff objects to the Magistrate Judge's Report and Recommendation on the grounds that her findings are contrary to law.

### CONCLUSION

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge (doc. no. 61). Plaintiff's Motion to Amend and Request for Summary Judgment (doc. no. 54) are DENIED.

IT IS SO ORDERED.

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court